



Virginia
Regulatory
Town Hall

Emergency Regulation Agency Background Document

Agency Name:	Department of Health (State Board of)
VAC Chapter Number:	12 VAC 5-507 and 12 VAC 5-510
Regulation Title:	Guidelines for Nursing Scholarships and Loan Repayment Programs Requiring Service in a Long-Term-Care Facility and Guidelines for General Assembly Nursing Scholarships and Loan Repayment Program
Action Title:	(1) Adopting Guidelines for Nursing Scholarships and Loan Repayment Programs Requiring Service in a Long-Term-Care Facility, AND (2) Amending Guidelines for General Assembly Nursing Scholarships and Loan Repayment Program in response to an emergency provision in 2000 legislation.
Date:	August 15, 2000

Section 9-6.14:4.1(C)(5) of the Administrative Process Act allows for the adoption of emergency regulations. Please refer to the APA, Executive Order Twenty-Four (98), and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the emergency regulation submission package.

Emergency Preamble

Please provide a statement that the emergency regulation is necessary and provide detail of the nature of the emergency. Section 9-6.14:4.1(C)(5) of the Administrative Process Act states that an "emergency situation" means: (i) a situation involving an imminent threat to public health or safety; or (ii) a situation in which Virginia statutory law, the Virginia appropriation act, or federal law requires that a regulation shall be effective in 280 days or less from its enactment, or in which federal regulation requires a regulation to take effect no later than 280 days from its effective date. The statement should also identify that the regulation is not otherwise exempt under the provisions of § 9-6.14:4.1(C)(4).

Please include a brief summary of the emergency action. There is no need to state each provision or amendment.

Emergency regulation are necessary because HB 1368 passed by the 2000 General Assembly, amended the current nursing scholarship program to include a loan repayment section and

established a new nursing scholarship and loan repayment program requiring service in a long-term-care facility in the Commonwealth. This required revision of the current nurse scholarship regulations, 12 VAC 5-510 and establishment of new regulations 12 VAC 5-507. Participants in the new program will receive scholarship or educational loan repayment in exchange for service in a long-term-care facility within the Commonwealth of Virginia.

Basis

Please identify the state and/or federal source of legal authority to promulgate the emergency regulation. The discussion of this emergency statutory authority should: 1) describe its scope; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. Full citations of legal authority and web site addresses, if available for locating the text of the cited authority, should be provided.

Please provide a statement that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the emergency regulation and that it comports with applicable state and/or federal law.

Legal authority to promulgate this emergency regulation is §§32.1-122.6:01, 54.1-3011.1, and 54.1-3011.2 of the *Code of Virginia* are amended and reenacted as follows: 32.1-122.6:01, Board of Health to award certain scholarships and loan repayment funds. The Board of Health shall award the nursing scholarships available from the Nursing Scholarship and Loan Repayment Fund established in §54.1-3011.2 pursuant to the procedures for the administration of the scholarships awarded through §23-35.9.

See the following web site addresses:

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+23-35.10>

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+32.1-122.6C01>

<http://leg1.state.va.us/cgi-bin/legp504.exe?001+sum+HB1368>

Substance

Please detail any changes, other than strictly editorial changes, that would be implemented. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate. Please provide a cross-walk which includes citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of Virginians. The statement should also delineate any potential issues that may need to be addressed as a permanent final regulation is developed.

The current scholarship program, the *Mary Marshall Nursing Scholarship Program*, has been in existence since the 1970's. The regulations for this program have been revised to include a Loan Repayment Program for registered nurses, licensed practical nurses, and certified nurse aides. The loan repayment portion of the program will repay educational loans for qualifying applicants in exchange for service in the nursing profession in the Commonwealth.

The new nursing scholarship and loan repayment program requiring service in a long-term-care facility within the Commonwealth of Virginia required new regulations, 12 VAC 5-507. This program is for registered nurses, licensed practical nurses, and certified nurse aides. Scholarships will be given to qualifying applicants in exchange for service in the nursing profession in a long-term-care facility in the Commonwealth. The loan repayment portion of the program will repay educational loans for qualifying applicants in exchange for service in the nursing profession in a long-term-care facility in the Commonwealth. Currently, there is no funding for this program because all the funds appropriated by the General Assembly and fees collected by the Board of Nursing is used by the *Mary Marshall Nursing Scholarship Program*, 12 VAC 5-510.

Personnel turnover in long-term-care facilities leads to a lack of continuity and reliable staffing; this potentially compromises care in these facilities. Providing incentives for more nursing professionals to care for these patients benefits the Commonwealth.

Alternatives

Please describe the specific alternatives that were considered and the rationale used by the agency to select the least burdensome or intrusive method to meet the essential purpose of the action.

These regulations and amendments are necessary to comply with an emergency provision of 2000 law, so no direct alternative is available.

To amend the current regulations for the *Mary Marshall Nursing Scholarship Program*, the agency looked at loan repayment programs on the federal level and in other states to promulgate regulations for the loan repayment portion. The agency, with input from the Scholarship Selection Committee, revised the current scholarship regulations to include loan repayment and tried to make these regulations as unintrusive as possible. Applicants must complete an application package. This application package is essential to determine qualified applicants, reduce potential fraud in the program, and still have nurses commit to work in the nursing profession in the Commonwealth.

To promulgate new regulations for the new scholarship and loan repayment program, which requires commitment to service in a long-term-care facility, the agency used the *Mary Marshall Nursing Scholarship and Loan Repayment regulations*, 12 VAC 5-510 as a guide. In addition, scholarship and loan repayment programs on the federal level and in other states were reviewed. The agency, with input from the Scholarship Selection Committee, felt that using the *Mary Marshall Nursing Scholarship regulations* was prudent because one application package could be used by citizens. When funding becomes available, application packages would be in place and the program could start right away. These regulations were written to be as unintrusive as possible. Applicants must complete an application package. This application package is essential to determine qualified applicants, reduce potential fraud in the program, and still have

nurses commit to work in the nursing profession in a long-term-care facility in the Commonwealth.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the emergency action on the institution of the family and family stability including to what extent the action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Overall this emergency action will have a positive impact on the institution of the family and family stability. Helping nursing students with their educational expenses will save disposable family income and increase their potential earnings for the future.

Personnel turnover in long-term-care facilities leads to a lack of continuity and reliable staffing; this potentially compromises care in these facilities. Providing incentives for more nursing professionals to care for these patients can relieve anxiety for the family members of facility residents.